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CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,735

Applicant(s)

LYNCH ET AL.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/1/05, 5/2/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,6,15,16,18 and 19 is/are allowed.
- 6) ☒ Claim(s) 2,5,7-14,20,21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 and 13 of Hebert et al. U.S. Patent No. 5,920,546 in view of Shaffer et al. US 6,411,601.

Claim 1 of Hebert et al. US 5,920,546 discloses expandable telecommunications system including host for controlling operations of system, bus for carrying data to and from a plurality of ports teaches limitation of claims of instant application of expandable telecommunications system having a plurality of nodes with host to control system and switching nodes having switching buses for transmitting and receiving data and control information. Hebert et al. disclose switching nodes for dynamically connecting and disconnecting paths with respect to public and private network ports and means for establishing conference call with at least three conferees connected to one or more nodes where switching nodes transmit and receive packetized information including circuit switched data from any port of switching nodes is communicable to any node interfaced reads on claims of instant application which disclose

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switching nodes with means for connecting and disconnecting communication paths interfacing with PSTN and private networks, at least two of switching nodes being conferencing nodes able to perform a conference call between three or more conferees/participants, conferencing nodes able to switch communications, including conferenced output to any other port interfaced with system from PSTN and private networks.

Hebert et al. does not disclose limitation of claim 2 of instant application teaching coupling one or more participants to PSTN and private networks via telecommunication device, without requiring coupling to be made via Internet connection. Shaffer et al. discloses user at computer (Figure 1, element 36) connected to LAN (element 30) and users at computers (elements 12, 14, 16) at another LAN (element 20) coupled to user at telephone (element 34) and PSTN (element 32) by way of gatekeeper (element 10). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the system of plurality of nodes connected by inter-nodal network of Hebert et al. with the gatekeeper coupling with computers on LAN and telephone at PSTN. One of ordinary skill in the art would be motivated to do so in order for gatekeeper to accommodate communication between LAN and PSTN users with the necessary resources. See column 3, lines 32-67.

Additionally, Hebert et al. does not disclose at the time of request defining a requested conference as being one of a dynamic, critical and a static type, identifying the DSP circuit within a conferencing node that satisfies one of the following: the greatest amount of available channels in system so that the conference can grow as large as possible, currently handling no other conferences so that all channels are available for use by conference, has a best fit such that system can attempt to fit as many conferences as possible on DSP chip before assigning

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conferences to another DSP chip and determining whether node in which identified DSP circuit is located has sufficient available time slots to manage to and from all participants.

Shaffer et al. discloses gatekeeper (element 10) including resource requirements module (element 40) which ascertains call requirements by analyzing the call request transmitted from calling party for a conference call (Figure 4, step 70). To determine if sufficient DSP resources are available at each terminal to complete call, the module (element 40) determines conferencing DSP resource requirements as a function of how many called terminals are specified in call request and communicates this to a resource availability monitor (element 42). If it determines the level of resources specified in call request is within availability levels for all requested network resources (Figure 4, steps 72, 74) then call setup subsystem (element 48) establishes call (steps 76, 78, 84). Examiner interprets this as teaching idea of identifying conference as being a static conference which is handled on "best-fit" basis, as defined on page 15 of instant specification as a conference in which system has information conference is going to remain a certain size and a DSP with sufficient resources available is assigned to conference. See column 2, lines 10-67, column 3, lines 32-67, column 4, column 5, lines 1-59, column 6, lines 57-67, column 7, lines 1-7.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the determination of conferencing resources of Hebert et al. with the method of Shaffer et al. of determining available resources for a conference. One of ordinary skill in the art would be motivated to do this for securing network resources responsive to availability of multiple network resources required to complete call. See column 2, lines 4-7.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al.
US 6,411,601.

The claimed method of providing conferencing resources including coupling a participant with a telecommunications device without requiring coupling include an Internet connection including a landline telephone connected to either PSTN, a private network or a wireless connection, a mobile telephone and personal computer is disclosed by user at computer (Figure 1, element 36) connected to LAN (element 30) and users at computers (elements 12, 14, 16) at another LAN (element 20) coupled to user at telephone (element 34) and PSTN (element 32) by way of gatekeeper (element 10). Examiner interprets computers as teaching mobile telephone limitation since computer could include wireless card to provide telephone capabilities through LAN.

The claimed defining at time of request conference as being one of a dynamic or critical or static type and assigning resources by identifying a node having a DSP circuit that has sufficient available channels to accommodate conference and assigning resources to the DSP circuit within a conferencing node that satisfies one of the following: the greatest amount of

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available channels in system so that the conference can grow as large as possible, currently handling no other conferences so that all channels are available for use by conference, has a best fit such that system can attempt to fit as many conferences as possible on DSP chip before assigning conferences to another DSP chip is disclosed by gatekeeper (element 10) including resource requirements module (element 40) which ascertains call requirements by analyzing the call request transmitted from calling party for a conference call (Figure 4, step 70).

To determine if sufficient DSP resources are available at each terminal to complete call, the module (element 40) determines conferencing DSP resource requirements as a function of how many called terminals are specified in call request and communicates this to a resource availability monitor (element 42). If it determines the level of resources specified in call request is within availability levels for all requested network resources (Figure 4, steps 72, 74) then call setup subsystem (element 48) establishes call (steps 76, 78, 84). Examiner interprets this as teaching idea of identifying conference as being a static conference which is handled on "best-fit" basis, as defined on page 15 of instant specification as a conference in which system has information conference is going to remain a certain size and a DSP with sufficient resources available is assigned to conference. See column 2, lines 10-67, column 3, lines 32-67, column 4, column 5, lines 1-59, column 6, lines 57-67, column 7, lines 1-7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 5, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hebert et al. US 5,920,546 in view of Shaffer et al. US 6,411,601.

Regarding claims 2, 13-14, Hebert et al. disclose expandable telecommunications system including host for controlling operations of system, bus for carrying data to and from a plurality of ports teaches limitation of claims of instant application of expandable telecommunications system having a plurality of nodes with host to control system and switching nodes having switching buses for transmitting and receiving data and control information. Hebert et al. disclose switching nodes for dynamically connecting and disconnecting paths with respect to public and private network ports and means for establishing conference call, of static type, with at least three conferees connected to one or more nodes where switching nodes transmit and receive packetized information including circuit switched data from any port of switching nodes is communicable to any node interfaced reads on claims of instant application which disclose switching nodes with means for connecting and disconnecting communication paths interfacing with PSTN and private networks, at least two of switching nodes being conferencing nodes able

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to perform a conference call between three or more conferees/participants, conferencing nodes able to switch communications, including conferenced output to any other port interfaced with system from PSTN and private networks.

Hebert et al. does not disclose limitation of claim 2 teaching coupling one or more participants to PSTN and private networks via telecommunication device, without requiring coupling to be made via Internet connection. Shaffer et al. discloses user at computer (Figure 1, element 36) connected to LAN (element 30) and users at computers (elements 12, 14, 16) at another LAN (element 20) coupled to user at telephone (element 34) and PSTN (element 32) by way of gatekeeper (element 10). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the system of plurality of nodes connected by inter-nodal network of Hebert et al. with the gatekeeper coupling with computers on LAN and telephone at PSTN. One of ordinary skill in the art would be motivated to do so in order for gatekeeper to accommodate communication between LAN and PSTN users with the necessary resources. See column 3, lines 32-67.

Additionally, regarding claims 2, 5, 13-14, Hebert et al. disclose all of the limitations of the claims except for defining at time of request conference as being one of a dynamic or critical or static type, employing user-defined parameters to determine conference type and identifying the DSP circuit within a conferencing node that satisfies one of the following: the greatest amount of available channels in system so that the conference can grow as large as possible, currently handling no other conferences so that all channels are available for use by conference, has a best fit such that system can attempt to fit as many conferences as possible on DSP chip before assigning conferences to another DSP chip and determining whether node in which

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identified DSP circuit is located has sufficient available time slots to manage to and from all participants.

Shaffer et al. discloses gatekeeper (element 10) including resource requirements module (element 40) which ascertains call requirements by analyzing the call request transmitted from calling party for a conference call (Figure 4, step 70). To determine if sufficient DSP resources are available at each terminal to complete call, the module (element 40) determines conferencing DSP resource requirements as a function of how many called terminals are specified in call request and communicates this to a resource availability monitor (element 42). If it determines the level of resources specified in call request is within availability levels for all requested network resources (Figure 4, steps 72, 74) then call setup subsystem (element 48) establishes call (steps 76, 78, 84). Examiner interprets this as teaching idea of identifying conference as being a static conference which is handled on “best-fit” basis, as defined on page 15 of instant specification as a conference in which system has information conference is going to remain a certain size and a DSP with sufficient resources available is assigned to conference. See column 2, lines 10-67, column 3, lines 32-67, column 4, column 5, lines 1-59, column 6, lines 57-67, column 7, lines 1-7.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the determination of conferencing resources of Hebert et al. with the method of Shaffer et al. of determining available resources for a conference. One of ordinary skill in the art would be motivated to do this for securing network resources responsive to availability of multiple network resources required to complete call. See column 2, lines 4-7.

6. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hebert and Shaffer et al. in further view of Phaal US 6,055,564.

Regarding claim 7, Hebert et al and Shaffer et al. disclose all the limitations of the claim except for a dynamic conference being defined as a conference likely to change in size based upon predetermined criteria. Phaal discloses a session in progress between a host side (Figure 1, element 15) and a client side (element 13) including individual personal computers each with a user. For newly received messages from additional users, not a part of the already established session, the resource monitor (element 27) determines whether messages can be admitted if the resources are available and the admission control gateway (element 25) admits the messages if there available time slots. See column 5, lines 17-27, lines 58-67 and column 6, lines 1-15. Phaal teaches the idea of admitting new messages from users during a session-in-progress if resources are available. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the conferencing services of Hebert et al. and Shaffer et al. with the method of Phaal of admitting new users if resources are available. One of ordinary skill in the art would be motivated to do so in order to accommodate several users and for efficient use of resources.

Regarding claim 8, Hebert et al. and Shaffer et al. disclose all the limitations of the claims except for assigning maximum available capacity to a dynamic conference. Phaal discloses a session-in-progress between users and the users with priority receiving the maximum available capacity while non-priority users are deferred and their messages not transmitted. Phaal teaches the idea of assigning maximum available resources to a certain group, in this case

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priority communication between users and a host. See column 5, lines 58-67 and column 6, lines 1-15. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the conferencing services of Hebert et al. with the method of Phaal of assigning maximum resources to a dynamic conference. One of ordinary skill in the art would be motivated to do so in order to accommodate several users and for efficient use of resources.

Regarding claim 9, Hebert et al. and Shaffer et al. disclose all the limitations of the claims except for having as many channels as possible such that conference can grow as large as possible and that channels remain available for participants who join the conference in progress. Phaal discloses a session in progress between a host side (Figure 1, element 15) and a client side (element 13) including individual personal computers each with a user. For newly received messages from additional users, not a part of the already established session, the resource monitor (element 27) determine whether messages can be admitted if the resources are available and the admission control gateway (element 25) admits the messages if there available time slots. See column 5, lines 17-27, lines 58-67 and column 6, lines 1-15. Phaal discloses a session-in-progress between users and users with priority receiving the maximum available capacity while non-priority users are deferred and their messages not transmitted. Phaal teaches the idea of assigning maximum available resources to a certain group, in this case priority communication between users and a host. See column 5, lines 58-67 and column 6, lines 1-15. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the conferencing services of Hebert et al. and Shaffer et al. with the method of Phaal of assigning maximum resources to a conference in progress so additional participants can join. One of

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ordinary skill in the art would be motivated to do so in order to accommodate several users and for efficient use of resources.

Regarding claim 10, Hebert et al. and Shaffer et al. disclose all the limitations of the claims except for defining a critical conference as a conference that requires maximum opportunity or growth in system. Phaal discloses a session-in-progress between users and users with priority receiving the maximum available capacity while non-priority users are deferred and their messages not transmitted. Phaal teaches the idea of assigning maximum available resources to a certain group, in this case priority communication between users and a host so additional users can be added using the available resources and non-priority communication do not have access to resources. See column 5, lines 58-67 and column 6, lines 1-15. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the conferencing services of Hebert et al. and Shaffer et al. with the method of Phaal of assigning maximum resources to a group for maximum growth in system. One of ordinary skill in the art would be motivated to do so in order to accommodate several users and for efficient use of resources.

Regarding claim 11, Hebert et al. and Shaffer et al. disclose all the limitations of the claim except for the selecting for critical conference the maximum available capacity and establish conference and block other conferences from being assigned such that capacity remains available for critical conference. Phaal discloses a session-in-progress between users and users with priority receiving the maximum available capacity while non-priority users are deferred and their messages not transmitted. Phaal teaches the idea of assigning maximum available resources to a certain group, in this case priority communication between users and a host so additional

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users can be added using the available resources and non-priority communication do not have access to resources. See column 5, lines 58-67 and column 6, lines 1-15. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the conferencing services of Hebert et al. and Shaffer et al. with the method of Phaal of assigning maximum resources to priority messages and blocking non-priority messages to server. One of ordinary skill in the art would be motivated to do so in order to accommodate several users, for efficient use of resources and quality of service.

Regarding claim 12, Hebert et al. and Shaffer et al. disclose all the limitations of the claims except for revealing blocked channels after critical conference is finished. Phaal discloses deferral manager (Figure 1, element 31) sending message (element 33) to user(s) of client system informing of deferment and deferral manager along with scheduler (element 35) calculating time for deferred message to be admitted by user to server when priority communication is finished and generating cookie for the client system for the admission control system to recognize client as deferred user. See column 16-29 and lines 50-55. Phaal teaches the idea of maintaining information regarding deferred users and allowing admission of messages by non-priority users once priority communication is finished. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the conferencing services of Hebert et al. and Shaffer et al. with the method of Phaal of admitting deferred non-priority messages to server once priority communication is over. One of ordinary skill in the art would be motivated to do so for efficient use of resources and quality of service.

Allowable Subject Matter

7. Claims 3,6, 15-16, 18-19 are allowed.

8. Regarding claims 3, 6, prior art of record does not disclose, in single or in combination, employing statistical analysis and/or historical data about past system conference behavior in statistical analysis to predict conference type in combination with other limitations of the claim.

Regarding claims 15-16, 18-19, prior art of record does not disclose, in single or in combination, providing telecommunications system with a line-to-switch data bus comprised of multiple individual bus conductors, each bus conductor carrying time slots coming into node from line cards, including T1 line cards, system also including switch-to-line data bus with multiple individual bus conductors that carry time slots of PCM-encoded data from nodal switch in the node back out to a destination line card, identifying a zone of time slots having the lowest order of allocation such that it is at least likely to be taken when a new T1 card is inserted into system during operation, and assigning a conferencing node to use these lowest orders of allocation time slots for a requested conference, allocating zones of time slots such that 192 time slots of a T1 span are divided into segments.

Response to Arguments

9. Applicant's arguments with respect to double patenting rejection of claim 2 have been considered but are not persuasive.

Applicant's arguments with respect to claims 2, 5, 7-13, 17 have been considered but are moot in view of the new ground(s) of rejection.

Regarding double patenting rejection of claim 2, Applicant argues present invention discloses defining a requested conference in order to most effectively accommodate the conferences of many types including large conferences or ones that change in size dynamically and Hebert system does not teach this nor amended limitation of defining a type of conference at time of request. Examiner argues reference Phaal was used not Hebert in previous office action to teach limitations regarding dynamic conferences. Phaal discloses a session-in-progress between users and users with priority receiving the maximum available capacity while non-priority users are deferred and their messages not transmitted. Phaal teaches the idea of assigning maximum available resources to a certain group, in this case priority communication between users and a host so additional users can be added using the available resources and non-priority communication do not have access to resources. See column 5, lines 58-67 and column 6, lines 1-15.

Applicant argues Phaal does not accommodate users who are coupled to system via a traditional landline nor a mobile telephone that is not accessing a website via Internet. Examiner submits rejection Hebert in view of reference Shaffer et al. for amended limitation regarding coupling not made via Internet and directs Applicant to rejection above.

Regarding 103 rejection of claims 2, 5, 7-13, and 17, Applicant argues on page 13 that Hebert nor Phaal teach method of providing conferencing services by assigning DSP resources to increase dependability and resource management in handling large voice conferences. Examiner submits reference Shaffer et al. which discloses gatekeeper (element 10) including resource requirements module (element 40) which ascertains call requirements by analyzing the call

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request transmitted from calling party for a conference call (Figure 4, step 70). To determine if sufficient DSP resources are available at each terminal to complete call, the module (element 40) determines conferencing DSP resource requirements as a function of how many called terminals are specified in call request and communicates this to a resource availability monitor (element 42). If it determines the level of resources specified in call request is within availability levels for all requested network resources (Figure 4, steps 72, 74) then call setup subsystem (element 48) establishes call (steps 76, 78, 84). See column 2, lines 10-67, column 3, lines 32-67, column 4, column 5, lines 1-59, column 6, lines 57-67, column 7, lines 1-7. Examiner also relies on Shaffer et al. for teaching of limitation regarding participants not coupled to Internet. Shaffer et al. discloses user at computer (Figure 1, element 36) connected to LAN (element 30) and users at computers (elements 12, 14, 16) at another LAN (element 20) coupled to user at telephone (element 34) and PSTN (element 32) by way of gatekeeper (element 10).

Regarding claim 14, Examiner submits Shaffer et al. to teach idea of best-fit assigning of resources for conference. Shaffer et al. discloses determining if sufficient DSP resources are available at each terminal to complete call, the module (element 40) determines conferencing DSP resource requirements as a function of how many called terminals are specified in call request and communicates this to a resource availability monitor (element 42). If it determines the level of resources specified in call request is within availability levels for all requested network resources (Figure 4, steps 72, 74) then call setup subsystem (element 48) establishes call (steps 76, 78, 84). See column 2, lines 10-67, column 3, lines 32-67, column 4, column 5, lines 1-59, column 6, lines 57-67, column 7, lines 1-7. Examiner interprets this as teaching idea of identifying conference as being a static conference which is handled on "best-fit" basis, as

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defined on page 15 of instant specification as a conference in which system has information conference is going to remain a certain size and a DSP with sufficient resources available is assigned to conference. See column 2, lines 10-67, column 3, lines 32-67, column 4, column 5, lines 1-59, column 6, lines 57-67, column 7, lines 1-7.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Detampel US 5,995,608 discloses on-demand teleconferencing.

Brady US 6,226,287 discloses integrating voice on network with traditional telephony.

Weller US 6,662,211 discloses providing conferencing services in a telecommunication system.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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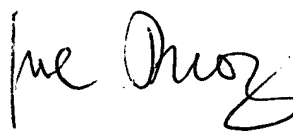
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ


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